

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

AMANDA L. SCHNEIDER,

Plaintiff,

vs.

NEIGHBORHOOD LTC PHARMACY INC.,
a Nebraska Corporation,

Defendant.

)
)
)
)
)
)
)
)
)
)
)

Case No.: _____

NOTICE OF REMOVAL

Defendant Neighborhood LTC Pharmacy Inc. files this Notice of Removal and removes this action from the District Court of Lancaster County, Nebraska, to the United States District Court for the District of Nebraska on the basis of federal question jurisdiction under 28 U.S.C. §§ 1441 and 1446. In support of this Notice of Removal, Defendant states as follows:

1. On June 1, 2020, Plaintiff filed a Complaint and Jury Demand in the District Court of Lancaster County, Nebraska captioned as *Amanda L. Schneider vs. Neighborhood LTC Pharmacy Inc.*, Case No. D02CI200001907. Plaintiff subsequently filed an Amended Complaint and Jury Demand on October 7, 2020 (the "Amended Complaint").

2. On October 7, 2020, the Amended Complaint was served upon counsel for Defendant.

3. In accordance with 28 U.S.C. § 1446(a), a copy of all process, pleadings, and orders served upon Defendant are attached as Exhibit A.

4. Plaintiff's Amended Complaint alleges that Defendant violated Title VII. Therefore, federal question jurisdiction exists over Plaintiff's claims under 28 U.S.C. § 1331 because the resolution of Plaintiff's claims will require adjudication of disputed questions of federal law.

5. In accordance with 28 U.S.C. § 1446(b)(3), Defendant has timely filed this Notice of Removal within 30 days of receipt of the Amended Complaint wherein Plaintiff amended its pleading to include claims that arise under the laws of the United States.

6. The United States District Court for the District of Nebraska is the proper place to file this Notice of Removal under 28 U.S.C. § 1441(a) because it is the federal district court that geographically encompasses the place where the original state court action was filed and is pending.

7. Because Plaintiff's Title VII claim arises under the laws of the United States, removal is appropriate under 28 U.S.C. §§ 1331 and 1441.

8. Further, the Court has supplemental jurisdiction over Plaintiff's state law claims of pregnancy discrimination, whistleblower retaliation, and wrongful termination pursuant to 28 U.S.C. § 1367(a), as these claims arise from a common nucleus of operative fact, and thus form part of the same case or controversy.

9. Pursuant to 28 U.S.C. § 1446(d), written notice of the filing of this Notice of Removal will be given to Plaintiff, and a copy of the Notice of Removal will be filed with the Clerk of Court for the District Court of Lancaster County, Nebraska. A copy of the notice to be filed in Lancaster County is attached as Exhibit B.

10. Defendant reserves all defenses, including but not limited to, all defenses specified in Rule 12(b) of the Federal Rules of Civil Procedure.

11. Under the applicable provisions of 28 U.S.C. §§ 1441 and 1446, all of which Defendant has complied with, this cause of action is removable to the United States District Court for the District Nebraska.

WHEREFORE, Defendant hereby gives notice of the removal of the action to this Court.

October 13, 2020

Respectfully submitted,

STINSON LLP

/s/ Robin K. Carlson
Robin K. Carlson, NE #25888
1201 Walnut Street, Suite 2900
Kansas City, Missouri 64106-2150
Telephone: (816) 842-8600
Facsimile: (816) 691-3495
robin.carlson@stinson.com

ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of October, 2020, a copy of the above and foregoing was served via ECF on counsel of record for Plaintiff.

/s/ Robin K. Carlson
Attorney for Defendant